

Message Text

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PAGE 01 PARIS 14661 061905Z

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 /016 W

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R 061844Z JUN 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 0150

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E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: HOLDER-KERKOW EXTRADITION

REF: A. STATE 121032

B. PARIS 14596

1. FOLLOWING IS REVISED DRAFT NOTE PROPOSED IN REF B:

A. (BEGIN TEXT) THE EMBASSY... HAS THE HOROR TO REFER TO THE EMBASSY'S NOTE NO. 27 OF FEBRUARY 26, 1975 REQUESTING THE EXTRADITION TO THE UNITED STATES OF WILLIE ROGER HOLDER AND MARY KATHERINE KERKOW AND TO THE MINISTRY'S NOTE NO. 8595 OF MAY 22, 1975 TRANSMITTING THE DECISION OF THE CHAMBRE D'ACCUSATION OF THE COUR D'APPEL OF PARIS DATED APRIL 14, 1975 REFUSING THE REQUESTED EXTRADITION.

B. THE EMBASSY NOTES THAT THE DECISION OF THE CHAMBRE D'ACCUSATION REGARDING THE QUESTION OF EXTRADITION IS FINAL AND THAT IN ACCORDANCE WITH THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, SIGNED AT THE HAGUE ON DECEMBER 16, 1970, A CASE HAS BEEN OPENED AGAINST THE ACCUSED AT THE PARQUET DE PARIS ON CHARGES OF THE ILLEGAL SEIZURE OF AN AIRCRAFT AND RESTRAINT OF HOSTAGES UNDER THREAT. THE EMBASSY TRUSTS THAT THESE PROCEEDINGS WILL RESULT, IN THE EVENT THE ACCUSED ARE FOUND GUILTY, IN THE APPLICATION OF A PENALTY WHICH IS PROPORTIONATE TO THE SERIOUSNESS OF THE CRIME AND WHICH WILL FURTHER THE PURPOSES OF THE HAGUE CONVENTION TO DETER AIRCRAFT HIJACKING.

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PAGE 02 PARIS 14661 061905Z

C. NEVERTHELESS, THE EMBASSY HAS BEEN INSTRUCTED TO

BRING TO THE ATTENTION OF THE FOREIGN MINISTRY THE SERIOUS CONCERN OF THE UNITED STATES GOVERNMENT OVER THE REJECTION OF ITS EXTRADITION REQUEST, AND ESPECIALLY OVER THE IMPLICATIONS THIS REFUSAL MAY HAVE AS A PRECEDENT FOR OTHER COUNTRIES IN WHICH HIJACKERS MAY SEEK ASYLUM IN THE FUTURE. THE DENIAL OF EXTRADITION ON THE SOLE GROUNDS OF AN ALLEGED POLITICAL MOTIVATION FOR THE CRIME HAS THE EFFECT OF WEAKENING DETERRENCE OF THE ILLEGAL SEIZURE OF AIRCRAFT. THE UNITED STATES GOVERNMENT, AWARE THAT THE FRENCH GOVERNMENT ABHORS AIR PIRACY NO LESS THAN ITSELF, SINCERELY REGRETS THIS DECISION, WHICH, IT CONSIDERS, IS AT VARIANCE WITH THE INTERESTS OF ALL STATES CONCERNED WITH THE SAFETY OF PASSENGERS AND SECURITY IN CIVIL AVIATION.

D. THE GOVERNMENT OF THE UNITED STATES OF AMERICA BELIEVES THAT, DURING THE HANDLING OF THIS CASE, IMPORTANT QUESTIONS OF JUDICIAL PROCEDURE HAVE BECOME EVIDENT WHICH MAY AFFECT THE INTENT AND INTEGRITY OF THE SUPPLEMENTAL CONVENTION OF FEBRUARY 12, 1970. AN ESSENTIAL PROCEDURAL ISSUE APPEARS TO BE PROVISION FOR THE ADEQUATE REPRESENTATION, DURING THE PREPARATION OF AN EXTRADITION CASE AND BEFORE THE COURT, OF THE POSITION OF THE REQUESTING GOVERNMENT. THE EMBASSY WILL THEREFORE SEEK TO EXPLORE WITH THE MINISTRY POSSIBLE MEANS TO IMPROVE THE IMPLEMENTATION OF THE EXTRADITION CONVENTION AND SUPPLEMENTAL CONVENTION. E. THE EMBASSY . . . (CLOSE TEXT).

2. COPY OF MFA NOTE OF MAY 22 TRANSMITTING TEXT OF COURT DECREE BEING POUCHED JUNE 9.
RUSH

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Message Attributes

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